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# LETTER DATED 27 MARCH 1995 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the information of the Security Council, the following details concerning the sixteenth regular session of the Governing Council of the United Nations Compensation Commission, held from 20 to 22 March 1995.

This session was the first to take place under my presidency, with Indonesia as a new Vice-President and three other countries participating for the first time in the work of the Council: Botswana, Germany and Honduras.

At its 51st plenary meeting, the Governing Council considered the recommendations for compensation awards made by the Panel of Commissioners appointed to review the second instalment of individual claims for departure from Iraq or Kuwait (category "A" claims) and decided to approve 162,720 such claims. The text of the corresponding decision (annex I) is transmitted together with the present letter, as well as the report containing the recommendations (annex II).

Moreover, the Council considered the recommendations for compensation awards made by the Panel of Commissioners appointed to review part two of the second instalment of claims for serious personal injury or death (category "B" claims) and decided to approve 811 of those claims. The text of the corresponding decision (annex III) is transmitted together with the present letter, as well as the report containing the recommendations (annex IV).

Similar to the situation that occurred with regard to the awards issued by the Governing Council in October and December 1994 for the first instalment of category "A" claims, the first part of the second instalment of category "B" claims, and the first instalment of category "C" claims, the category "A" and category "B" awards issued in favour of claimants during the sixteenth session cannot be paid, owing to the lack of sufficient resources in the Compensation Fund, in the light of the continuation of the embargo, the unsuccessful efforts to secure access to more frozen funds through resolution 778 (1992) and to obtain funds that could have resulted from the flushing of the Turkish pipeline

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or to receive a share of the value of impounded Iraqi oil, in addition to the continued non-implementation of resolutions 706 (1992) and 712 (1992).

The Governing Council decided to accept a number of "late claims" under various categories submitted by various Governments and international organizations after the expiration of the original time-limits established by the Council and asked the Secretariat to take up such claims after beginning the processing of claims submitted within the prescribed time-limits. However, in accordance with its decision 23, regarding claims in categories "A", "B", "C" and "D" that were submitted after 1 January 1995, the Council limited acceptance for filing to only those that demonstrated "strong and compelling reasons" as to why the claims could not have been filed earlier than 1 January 1995.

The Governing Council also approved the proposal of the Secretary-General to appoint the Chairman and two members of a Panel of Commissioners to review the claim submitted by the Government of Kuwait on behalf of the Kuwait Oil Company for the cost of extinguishing some 700 oil-well fires following the conclusion of the Gulf war in 1991. The Panel will be headed by Mr. Allan Philip (Denmark), and will have both Judge Bola Adesumbo Ajibola (Nigeria) and Mr. Antoine Antoun (Lebanon) as members.

The Council also heard a report from the secretariat concerning a remarkable step forward in the work of the Panel of Commissioners addressing the consolidated claim filed by the Government of Egypt on behalf of approximately 900,000 workers who had been in Iraq prior to 2 August 1990. The Governments of both Egypt and Iraq met the deadline of 14 March 1995 for the submission of legal briefs and written answers to questions that had been posed to them by the Panel. In addition, an oral hearing has been scheduled for 19 and 20 April 1995 in Geneva, to be attended by both parties. The Governing Council accepted a request by the Panel of Commissioners for this consolidated claim to extend the duration of the jurisdictional phase until 10 July 1995.

Representatives of Iraq, Kuwait, India and Egypt expressed the wish to address the Governing Council during the session and the Council invited them to do so at its 50th and 51st plenary meetings.

The next regular session of the Governing Council has been scheduled to be held from 15 to 19 May 1995. Additional sessions have been scheduled for 9 to 13 October and 11 to 15 December 1995.

With the two decisions adopted by the Governing Council for the latest instalments of the category "A" and "B" claims, all of the 95 Governments and 15 international organizations that have filed claims with the Commission have now received compensation awards in at least one of the three expedited categories of individual claims. The overall number of claims so far approved by the Council in the three expedited categories of individual claims (A, B and C) has reached more than 220,000, with a value in excess of US$ 870 million.

The current session having been the first session under Italy's presidency, I should like to state that it has represented a privilege to my country and to myself personally to chair this prestigious body. The United Nations Compensation Commission is undertaking - in my view very successfully - an

historic task contributing to international peace and security by demonstrating the capacity of the United Nations to render justice.

However, I wish also to highlight the serious negative implications that the lack of resources to pay Commission awards could soon have on the credibility of the Compensation Commission, and ultimately, the whole United Nations systems. Several delegations on the Governing Council expressed their expectations that the Security Council would find appropriate solutions to permit the compensation awards to be honoured. Related to the same general subject of finance, the Governing Council expressed concern that the budget for the Commission for 1995 had not yet been approved, as the lack of adequate staffing and resources could seriously hamper the work of the Commission.

(Signed) Giuseppe BALDOCCI
President
Governing Council
United Nations Compensation Commission

ANNEX I

Decision Concerning the Second Instalment of Claims for Departure from Iraq or Kuwait (Category "A" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 51st meeting, held on 22 March 1995 at Geneva*

The Governing Council,

Having received, in accordance with article 37 of the Provisional Rules for Claims Procedure, the second report of the Panel of Commissioners appointed to review individual claims for departure from Iraq or Kuwait (category "A" claims), covering 162,720 claims, 1/

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,

2. Decides, pursuant to Article 40 of the Rules and subject to paragraph 4 below, to approve the amounts of the recommended awards concerning the 162,720 claims covered in the annex to the report, as follows:

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* Originally issued as document S/AC.26/Dec.28 (1995).

1/ The text of the report is attached hereto (document S/AC.26/1995/2). In conformity with the provisions on confidentiality in the Provisional Rules for Claims Procedure (arts. 30, para. 1, and 40, para. 5), a table containing the breakdown of the amounts to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| Algeria | 8 | 47,500.00 |
| Australia | 18 | 91,500.00 |
| Austria | 11 | 49,000.00 |
| Bahrain | 11 | 52,000.00 |
| Bangladesh | 13,269 | 51,523,000.00 |
| Belgium | 3 | 14,500.00 |
| Benin | 1 | 2,500.00 |
| Bosnia and Herzegovina | 12 | 48,000.00 |
| Brazil | 12 | 52,000.00 |
| Bulgaria | 71 | 323,500.00 |
| Canada | 159 | 721,500.00 |
| China | 6,293 | 25,159,000.00 |
| Croatia | 64 | 251,000.00 |
| Cyprus | 5 | 15,000.00 |
| Czech and Slovak F.R.[2] | 12 | 55,000.00 |
| Czech Republic | 1 | 4,000.00 |
| Denmark | 1 | 5,000.00 |
| Egypt | 54,542 | 142,529,000.00 |
| Ethiopia | 10 | 31,000.00 |
| Federal Republic of Yugoslavia (Serbia and Montenegro) | 200 | 816,000.00 |
| Finland | 2 | 10,000.00 |

[2] These claims were submitted before the Czech and Slovak Federal Republic ceased to exist. Awards of compensation will have to be paid to the Governments of the Czech Republic and the Slovak Republic, respectively, pursuant to an agreement between the two Governments.

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| France | 41 | 157,500.00 |
| Germany | 13 | 57,000.00 |
| Ghana | 2 | 8,000.00 |
| Greece | 5 | 28,500.00 |
| Hungary | 10 | 43,000.00 |
| India | 12,611 | 50,158,500.00 |
| Iran | 8,986 | 52,977,500.00 |
| Ireland | 10 | 33,500.00 |
| Italy | 32 | 91,500.00 |
| Japan | 12 | 63,500.00 |
| Jordan | 19,762 | 95,988,500.00 |
| Kenya | 3 | 9,000.00 |
| Korea, Republic of | 18 | 80,500.00 |
| Kuwait | 17,149 | 87,259,500.00 |
| Lebanon | 10 | 25,000.00 |
| Malaysia | 6 | 21,500.00 |
| Morocco | 23 | 68,000.00 |
| Nepal | 11 | 41,000.00 |
| Netherlands | 12 | 48,000.00 |
| Nigeria | 2 | 7,500.00 |
| Pakistan | 4,745 | 19,835,500.00 |
| Philippines | 1,453 | 5,779,500.00 |
| Poland | 10 | 39,500.00 |
| Portugal | 1 | 5,000.00 |
| Romania | 10 | 25,000.00 |

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| Russian Federation | 1,058 | 4,296,000.00 |
| Senegal | 14 | 89,500.00 |
| Slovakia | 1 | 4,000.00 |
| Slovenia | 1 | 4,000.00 |
| Somalia | 27 | 79,000.00 |
| Spain | 9 | 50,000.00 |
| Sri Lanka | 19,333 | 77,284,000.00 |
| Sudan | 130 | 500,000.00 |
| Syria | 4 | 10,000.00 |
| Thailand | 10 | 40,000.00 |
| The former Yugoslav Repuplic of Macedonia | 10 | 40,000.00 |
| Tunisia | 56 | 188,000.00 |
| Turkey | 38 | 154,500.00 |
| Ukraine | 1 | 4,000.00 |
| United Kingdom | 50 | 168,500.00 |
| United States | 59 | 263,500.00 |
| Vietnam | 2,134 | 8,540,000.00 |
| Yemen | 86 | 352,000.00 |
| UNDP (Algeria) | 1 | 8,000.00 |
| UNDP (Jerusalem) | 11 | 52,500.00 |
| UNDP (Yemen) | 13 | 57,500.00 |
| UNDP (Washington) | 10 | 44,000.00 |
| UNHCR (Bulgaria) | 3 | 11,500.00 |
| UNHCR (Canada) | 13 | 74,500.00 |
| UNHCR (Geneva) | 3 | 15,500.00 |

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| UNHCR (Iran) | 3 | 7,500.00 |
| **Total** | 162,720 | 626,989,500.00 |

3. Reaffirms that when funds become available payments shall be made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)],

4. Notes that where claimants, awarded the higher amounts available under Category "A", are found also to have filed claims in other categories, their awards will be adjusted in accordance with the provisions of Decision 21 [S/AC.26/Dec. 21 (1994)],

5. Recalls that, when payments are made in accordance with Decision 17 and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], Governments and appropriate authorities concerned shall distribute amounts received in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

6. Requests that the Executive Secretary provides copies of the report and the annex to the report to the Secretary-General and copies of the report and the annex as well as the tables containing the breakdown of the amounts to be paid to each individual claimant to each respective Government and international organization, and reminds these Governments and international organizations of their obligation to take the appropriate measures to preserve the confidentiality of those tables.

ANNEX II

REPORT AND RECOMMENDATIONS MADE BY THE PANEL OF COMMISSIONERS CONCERNING THE SECOND INSTALMENT OF CLAIMS FOR DEPARTURE FROM IRAQ OR KUWAIT (CATEGORY "A" CLAIMS)*

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* Originally issued as document S/AC.26/1995/2.

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## INTRODUCTION

This second report contains the recommendations to the Governing Council of the Panel of Commissioners (the "Panel") appointed to review claims for departure from Iraq or Kuwait ("category 'A' claims") concerning the second instalment of claims,[1] pursuant to article 37 (e) of the Provisional Rules for Claims Procedure (the "Rules").[2] Category "A" claims are among the "most urgent claims" for which the Governing Council Decision on "Criteria for Expedited Processing of Urgent Claims"[3] has set forth "simple and expedited procedures" in order to provide "prompt compensation in full" or "substantial interim relief". This report makes compensation recommendations for the category "A" claims reviewed in the second instalment of claims submitted to the Panel by the Executive Secretary of the Commission. In considering these claims, the Panel has, in accordance with article 31 of the Rules, applied Security Council resolution 687 (1991), the criteria

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[1] The recommendations concerning the first instalment of claims are contained in the "Report and Recommendations Made by the Panel of Commissioners Concerning the First Instalment of Claims for Departure from Iraq or Kuwait (Category 'A' Claims)", (S/AC.26/1994/2), (hereinafter referred to as the "first report"). General information regarding the establishmemt of the United Nations Compensation Commission in the aftermath of the Gulf crisis as well as the composition of the Panel are contained in the introduction to the first report.

[2] S/AC.26/1992/10, article 37 (e) requires that "[e]ach Panel will report in writing through the Executive Secretary to the Governing Council on the claims received and the amount recommended to be allocated to each Government or other entity for each consolidated claim. Each report will briefly explain the reasons for the recommendations and, to the extent practicable within the time-limit, contain a breakdown of the recommendations in respect of individual claims within each consolidated claim".

[3] S/AC.26/1991/1, (hereinafter referred to as "Decision 1").

established by the Governing Council for this category of claims and other pertinent decisions of the Governing Council.

As described in the first report, the Panel held three preparatory meetings with the secretariat of the Commission to discuss the methodology and procedures used by the secretariat in the processing of the first instalment of category "A" claims. The same methodology and procedures have been applied to the second instalment of claims. The Panel held one substantive session to review claims in the second instalment from 30 January to 1 February 1995.

## I. CATEGORY "A" CLAIMS IN GENERAL

Category "A" claims are claims for departure from Iraq or Kuwait during the period of 2 August 1990 to 2 March 1991. For a more detailed description of the nature of category "A" claims, the Claim Form "A" and the amounts that can be claimed under this category, reference is made to Part I of the first report.

## II. EVIDENTIARY STANDARD APPLICABLE TO CATEGORY "A" CLAIMS

The evidentiary standard applicable to category "A" claims is stated in Decision 1 and more specifically in article 35 (a) of the Rules. As is explained more fully in Part IV.D., infra, the overall majority of the claims in the second instalment were verified to meet this standard by way of computerized matching of the claims in question against an Arrival/Departure Database that was developed from documentary evidence such as Arrival/Departure Records made available by various Governments and international organizations. The Panel therefore was not required to review evidence attached to those claim forms. For reasons explained below (see Part III.B., infra), however, for a limited number of claims in the second instalment documentary evidence attached to the forms was reviewed for verification purposes.

## III. METHODOLOGY FOR PROCESSING CATEGORY "A" CLAIMS

### A. Several methods

Part III.A. of the first report sets out the different methods envisaged by the Rules for the verification of category "A" claims, i.e., matching, sampling and additional verification "as circumstances warrant". As in the first instalment, the computerized matching of the claims against the Arrival/Departure Database has been the methodology primarily relied upon for the verification of claims in the second instalment. For a number of claims, the evidence attached to the forms was reviewed manually (for more details see Part III.B., infra).

A first matching run was performed for all claims that were filed with the Commission before 1 July 1993. A second matching run was subsequently performed for all claims the verification of which had not been attempted in the context of the first instalment, i.e., claims filed later than 1 July 1993. (For the number of claims and the country-wise composition comprising the first instalment, see Part III.B. of the first report). Also included in the second matching run were claims that were filed prior to 1 July 1993 but which were affected by technical deficiencies preventing them from being considered for the first instalment, provided that such deficiencies had been remedied in time to permit inclusion in the second matching run. Claims included in the second matching run were verified against two additional sets of Arrival/Departure Records that had not been used in the first run because of technical problems, i.e., those provided by the Governments of Iran and Jordan.

### B. The second instalment of category "A" claims

In determining the total number of claims and the country-wise composition comprising the second instalment of category "A" claims the Panel applied the general guidelines set forth by the Governing Council for the composition of the several instalments of category "A" claims and took into account various considerations

such as the total number of claims submitted by different countries, the dates of their submission, the estimate of time it would take to process claims even through expedited procedures, and the estimate of the funds that might be available to meet the second instalment of category "A" claims. The Panel's recommendations as set out in Part V, infra, for the payment of claims listed in the Summary Table attached to this report, are made according to such criteria and procedures, as elaborated below.

The Panel reviewed and recommends for payment in the second instalment:

(a) all of the claims verified in the first matching run that were not included in the first instalment (see Part III.B. of the first report);

(b) from the second matching run, up to 200 claims for each country (or the total number of claims matched if the latter was less than 200), applying a criterion similar to the one approved by the Governing Council for the composition of the first instalment (see Part III.B.(b) of the first report);

(c) for each country, 50 per cent of the claims exceeding 200 that were verified in the second matching run against the records provided by the Governments of Iran and Jordan;

(d) for those countries that had submitted claims within the established deadlines but where neither the first nor the second matching runs yielded any verified claims, a number of claims sufficient to attain an equitable representation in the second instalment of such countries, based on a manual review of the evidence attached to the claims in question (see supra, Part III. A.).

The number of claims per submitting country that the Panel recommends for payment in the context of this instalment is listed

in the column "Number of Claims Recommended for Payment" of the Summary Table attached to this report.

## IV. THE PROCESSING OF THE SECOND INSTALMENT OF CLAIMS

### A. Processing by the secretariat

All of the claims contained in the second instalment were subjected to the processes described in Part IV.A. of the first report.

### B. Validation

As was the case for the claims contained in the first instalment, before matching the claims in the second instalment against the Arrival/Departure Database, the claims were passed through a preliminary computerized screening process hereinafter referred to as "validation". The purpose of validation is threefold. First, some aspects of the format of the claims are checked. Second, the Iraqi claimants are separated from the non-Iraqi claimants. Third, the validation programme checks whether there are any duplicate claims in the "A" claims category.

As explained more fully in Part IV.B.3. of the first report, the Panel instructed the secretariat to analyze further the claims that have been identified and separated as "possible duplicates" to confirm whether such claims are indeed duplicates. The secretariat is in the process of examining those claims. In view of the considerations outlined in this Part of the first report, the Panel recommends that Governments keep an accurate record of the persons to whom amounts awarded are paid in order to minimize the risk of multiple recovery on the basis of a duplicate "A" claim.

## C. Other issues

### 1. Departure date outside the jurisdictional period

As in the first instalment, claimants in the second instalment who stated in their claim form a "date of departure" outside the period from 2 August 1990 to 2 March 1991, were deemed by the Panel to have misinterpreted the meaning of the term "date of departure" and, therefore, were not dismissed on the basis of such a date if the claimants in question nevertheless matched against an Arrival/Departure Record establishing departure within the jurisdictional period.

### 2. Limitations on claiming in more than one category

The Governing Council's decision on "Multi-Category Claims"[4] establishes that claimants who have selected a higher amount under category "A" (US$ 4,000 or 8,000) and have also filed a claim in category "B", "C" or "D", will be deemed to have selected the corresponding lower amount under category "A". Pursuant to paragraph 2 of the Governing Council Decision on "Priority of Payment and Payment Mechanism",[5] successful individual claimants whose category "A" claims are being so adjusted will only receive an initial payment of US$2,500; successful claimants whose category "A" family claims are being so adjusted will, after an initial payment of US$ 2,500, receive only an additional payment under category "A" of US$ 2,500 in the allocation stage of payments described in paragraph 6 of Decision 17. No later than at the beginning of the allocation stage of payments, the secretariat will

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[4] S/AC.26/Dec.21 (1994), (hereinafter referred to as "Decision 21").

[5] S/AC.26/Dec.17 (1994), (hereinafter referred to as "Decision 17").

inform governments as to which of its claimants are affected by these limitations.[6]

The Panel recalls that attention was drawn in Part IV.C.2. of the first report to the problem presented by claimants who had filed category "A" claims for US$ 4,000 or US$ 8,000 and by so doing had expressly agreed not to file a claim in any other category, but nevertheless had also filed a claim under category "B", "C" or "D".

It is the Panel's view that the strict application of the applicable legal principles would require that a claimant must be bound by his/her agreement that once he/she submitted a category "A" claim for US$ 4,000 or US$ 8,000, he/she would not submit a claim in any other category, and that if the claimant had nevertheless submitted claims in any other category, then the legal conclusion should be that the filing of a claim in any other category would be treated as invalid.

The Governing Council, on the basis of "further background information from the secretariat on the circumstances appearing to give rise to multi-category filings in claim categories 'A', 'B', 'C' and 'D'", by its Decision 21 determined that a claimant who had filed a category "A" claim for US$ 4,000 or US$ 8,000 and who had also filed a claim in another category, should be deemed to have filed a category "A" claim for US$ 2,500 or US$ 5,000, thus in effect retrospectively amending the "A" claim forms submitted for

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[6] The Panel notes the decision of the Governing Council on "Multi-Category Departure Claims" (S/AC.26/Dec.24 (1994), that addresses the situation where claimants filing a claim in category "A" had also filed departure claims in category "C" and/or "D". Since the application of the remedial measures included in this decision will take place in conjunction with the processing of claims in category "C" and/or "D", the Panel has made its recommendations for category "A" claims independent of the fact as to whether or not category "A" claimants have also filed departure claims in category "C" and/or "D".

US$ 4,000 or US$ 8,000 without such amendment having been requested by either the Governments or the claimants concerned.

In the view of the Panel, the resultant situation operates to the detriment of claimants who submitted category "A" claims and acted in accordance with the rules which required them to agree not to file claims in any other category. By so abiding by the rules these claimants have been prejudiced in two ways.

Claimants who were not eligible to file category "B", "C" or "D" claims since they had filed category "A" claims for US$ 4,000 or US$ 8,000, but nevertheless had filed such claims, were now having their "B", "C" or "D" claims made eligible, which would increase the number of "B", "C" or "D" claims competing for payment out of the same funds, reducing pro tanto the funds available to those who had respected the rules.

Claimants who had respected the rules would be further prejudiced as they would be denied the opportunity of filing a category "B", "C" or "D" claim and would be put in the position of receiving the subsequent payment at the same time as those who had not abided by the rules.

The Panel is of the view that the Governing Council may wish to review this matter. The Panel would recommend that the legitimate interests of category "A" claimants who had filed claims for US$ 4,000 or US$ 8,000 and had abided by the rules by not filing in any other category should be protected, and that a just balance between such claimants and those who will benefit from the application of Decision 21 should be maintained.

In principle, a fair solution would be for all claimants who had submitted category "A" claims for US$ 4,000 or US$ 8,000 but had not submitted claims in any other category to be allowed an opportunity to amend their category "A" claims so as to reduce the claimed amount to US$ 2,500 or US$ 5,000 and to lodge a category "B", "C" or "D" claim within a reasonable period to be determined by the Council. However, should this solution not be considered

feasible, then the Panel would recommend that all successful claimants who had submitted category "A" claims for US$ 4,000 or US$ 8,000 but had not submitted claims in any other category, receive full payment of US$ 4,000 or US$ 8,000, pursuant to the terms of Decision 17, before any additional amounts beyond the initial US$ 2,500 are paid to the category "A" claimants who submitted claims for US$ 4,000 or US$ 8,000 but had also filed claims in other categories.

### 3. Interest

On the basis of the considerations formulated in Part IV.C.3. of the first report, the Panel reiterates its recommendation that interest should be paid on the awarded amounts in category "A" claims in accordance with the Governing Council Decision on "Awards of Interest".[7] With respect to category "A" claims, the phrase "the date the loss occurred" in Decision 16 should be interpreted to be 2 August 1990.

## D. Computerized verification of category "A" claims in the second instalment

### 1. Departure from Kuwait and Iraq during the Gulf crisis

With regard to the background information on the number of departees from the Persian Gulf region and the circumstances of their departure, reference is made to Part IV.D.1. of the first report.

### 2. The computerized matching

The second instalment of claims was subjected to the same computerized matching process that had been used for the verification of the first instalment of category "A" claims. The goal of this computerized verification process was to determine

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[7] S/AC.26/1992/16, (hereinafter referred to as "Decision 16").

whether a given claimant appears in one or more of the records that constitute the Arrival/Departure Database and which the Panel found to establish departure from Kuwait or Iraq during the relevant jurisdictional period. In order to achieve this goal, the secretariat used the same specially designed software as in the first instalment. The general characteristics of this computerized process and the software supporting it were reviewed by and met the approval of the Panel; they are described in detail in Part IV.D.4. of the first report.

### 3. The Arrival/Departure Records

The Arrival/Departure Records used by the secretariat for the computerized verification of claims in the second instalment include all those utilized for the verification of claims in the first instalment and referred to in Part IV.D.2. of the first report. In addition, a number of Arrival/ Departure Records provided by the Governments of Iran and Jordan which had not been utilized for the first matching run, were used to verify claims in this instalment.

### 4. Evidentiary value of the various records

The evidentiary value of the records provided by the Governments of Iran and Jordan was determined by the Panel on the basis of the same considerations made with respect to the records used for the verification of claims in the first instalment. The records provided by these two Governments, in some instances in conjunction with other materials, were found to show departure from Iraq or Kuwait during the period of 2 August 1990 to 2 March 1991.

The Panel, thus, determined that a claimant who had matched against one or more of these records met the applicable evidentiary requirements and was entitled to compensation.

## V. RECOMMENDED COMPENSATION FOR THE SECOND INSTALMENT OF CATEGORY "A" CLAIMS

Pursuant to article 37 (e) of the Rules, the Panel hereby presents its final recommendations on the claims comprising the second instalment of category "A" claims.

Having considered the results of the verification of claims accomplished through computerized matching and, where necessary, through the review of documentary evidence submitted with claim forms, and further having considered all relevant circumstances and materials available with the Commission, the Panel recommends for payment of compensation 162,720 claims submitted by 64 countries and by the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Refugees (UNHCR). The total recommended amount of compensation for the second instalment comes to US$ 626,989,500.

The Panel records that claims that were verified through computerized matching but that could not be recommended for payment due to the limits as to number and country-wise composition of the second instalment are expected to receive due consideration when subsequent instalments are processed for payment of compensation. Claims that could not be included in the second instalment due to such factors as defective format or possible duplication are also expected to receive consideration when subsequent instalments are processed.

The attached Summary Table lists on a country-by-country basis the number of claims for which payment is recommended and the total recommended amount of compensation. A table containing the breakdown of the amounts to be paid to each individual claimant

will be provided to each respective country and international organization separately.

Geneva, 1 February 1995

(signed) Kamal Hossain
Chairman

(signed) Matti Pellonpää
Commissioner

(signed) Rafael Rivas-Posada
Commissioner

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Annex

CATEGORY "A" CLAIMS RECOMMENDED FOR PAYMENT
IN THE SECOND INSTALMENT (SUMMARY TABLE)

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| Algeria | 8 | 47,500.00 |
| Australia | 18 | 91,500.00 |
| Austria | 11 | 49,000.00 |
| Bahrain | 11 | 52,000.00 |
| Bangladesh | 13,269 | 51,523,000.00 |
| Belgium | 3 | 14,500.00 |
| Benin | 1 | 2,500.00 |
| Bosnia and Herzegovina | 12 | 48,000.00 |
| Brazil | 12 | 52,000.00 |
| Bulgaria | 71 | 323,500.00 |
| Canada | 159 | 721,500.00 |
| China | 6,293 | 25,159,000.00 |
| Croatia | 64 | 251,000.00 |
| Cyprus | 5 | 15,000.00 |
| Czech and Slovak F.R.[8] | 12 | 55,000.00 |
| Czech Republic | 1 | 4,000.00 |
| Denmark | 1 | 5,000.00 |
| Egypt | 54,542 | 142,529,000.00 |

[8] These claims were submitted before the Czech and Slovak Federal Republic ceased to exist. Awards of compensation will have to be paid to the Governments of the Czech Republic and the Slovak Republic, respectively, pursuant to an agreement between the two Governments.

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| Ethiopia | 10 | 31,000.00 |
| Federal Republic of Yugoslavia (Serbia and Montenegro) | 200 | 816,000.00 |
| Finland | 2 | 10,000.00 |
| France | 41 | 157,500.00 |
| Germany | 13 | 57,000.00 |
| Ghana | 2 | 8,000.00 |
| Greece | 5 | 28,500.00 |
| Hungary | 10 | 43,000.00 |
| India | 12,611 | 50,158,500.00 |
| Iran | 8,986 | 52,977,500.00 |
| Ireland | 10 | 33,500.00 |
| Italy | 32 | 91,500.00 |
| Japan | 12 | 63,500.00 |
| Jordan | 19,762 | 95,988,500.00 |
| Kenya | 3 | 9,000.00 |
| Korea, Republic of | 18 | 80,500.00 |
| Kuwait | 17,149 | 87,259,500.00 |
| Lebanon | 10 | 25,000.00 |
| Malaysia | 6 | 21,500.00 |
| Morocco | 23 | 68,000.00 |
| Nepal | 11 | 41,000.00 |
| Netherlands | 12 | 48,000.00 |
| Nigeria | 2 | 7,500.00 |
| Pakistan | 4,745 | 19,835,500.00 |

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| Philippines | 1,453 | 5,779,500.00 |
| Poland | 10 | 39,500.00 |
| Portugal | 1 | 5,000.00 |
| Romania | 10 | 25,000.00 |
| Russian Federation | 1,058 | 4,296,000.00 |
| Senegal | 14 | 89,500.00 |
| Slovakia | 1 | 4,000.00 |
| Slovenia | 1 | 4,000.00 |
| Somalia | 27 | 79,000.00 |
| Spain | 9 | 50,000.00 |
| Sri Lanka | 19,333 | 77,284,000.00 |
| Sudan | 130 | 500,000.00 |
| Syria | 4 | 10,000.00 |
| Thailand | 10 | 40,000.00 |
| The former Yugoslav Repuplic of Macedonia | 10 | 40,000.00 |
| Tunisia | 56 | 188,000.00 |
| Turkey | 38 | 154,500.00 |
| Ukraine | 1 | 4,000.00 |
| United Kingdom | 50 | 168,500.00 |
| United States | 59 | 263,500.00 |
| Vietnam | 2,134 | 8,540,000.00 |
| Yemen | 86 | 352,000.00 |
| UNDP (Algeria) | 1 | 8,000.00 |
| UNDP (Jerusalem) | 11 | 52,500.00 |
| UNDP (Yemen) | 13 | 57,500.00 |

| Country | Number of Claims Recommended for Payment | Amount of Compensation Recommended (US $) |
|---|---|---|
| UNDP (Washington) | 10 | 44,000.00 |
| UNHCR (Bulgaria) | 3 | 11,500.00 |
| UNHCR (Canada) | 13 | 74,500.00 |
| UNHCR (Geneva) | 3 | 15,500.00 |
| UNHCR (Iran) | 3 | 7,500.00 |
| **Total** | 162,720 | 626,989,500.00 |

ANNEX III

Decision Concerning Part Two of the Second Instalment of Claims for Serious Personal Injury or Death (Category "B" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 51st meeting held on 22 March 1995 at Geneva*

The Governing Council,

Having received, in accordance with article 37 of the Provisional Rules for Claims Procedure, the report of the Panel of Commissioners appointed to review individual claims for serious personal injury or death, covering 1,904 individual recommendations, 1/

1. Approves the recommendations made by the Panel of Commissioners and accordingly;

2. Decides, pursuant to article 40 of the Rules, to approve:

(a) The amounts of the recommended awards concerning the 811 claims listed in paragraph 12 of the report for part two of the second instalment, as follows:

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* Originally issued as document S/AC.26/Dec.27 (1995).

1/ The text of the report is attached hereto (document S/AC.26/1995/1). In conformity with the provisions on confidentiality in the Rules (arts. 30, para. 1 and 40, para. 5), the annexes to the report will not be made public, but will be provided to each respective Government and international organization separately.

| Total Amount Awarded by Consolidated Claim Submission | | |
|---|---|---|
| Second Instalment: Part Two | | |
| Country | Consolidated Claim Submission | Total Amount Awarded (US$) |
| Algeria | DZ/448/1B | $10,000.00 |
| Australia | AU/653/5B | $2,500.00 |
| Bahrain | BH/890/5B | $0.00 |
| | BH/965/6B | $0.00 |
| Canada | CA/942/3B | $0.00 |
| Egypt | EG/542/5B | $707,500.00 |
| | EG/827/11B | $2,500.00 |
| | EG/874/12B | $12,500.00 |
| | EG/906/15B | $2,500.00 |
| | EG/918/13B | $10,000.00 |
| | EG/932/14B | $0.00 |
| | EG/960/16B | $10,000.00 |
| | EG/1007/17B | $60,000.00 |
| France | FR/446/7B | $2,500.00 |
| Germany | DE/552/5B | $2,500.00 |
| India | IN/547/11B | $5,000.00 |
| | IN/966/14B | $0.00 |
| | IN/1006/15B | $2,500.00 |
| Israel | IL/287/1B | $290,000.00 |
| | IL/1015/2B | $17,500.00 |

| Total Amount Awarded by Consolidated Claim Submission | | |
|---|---|---|
| Second Instalment: Part Two | | |
| Italy | IT/528/4B | $2,500.00 |
| Jordan | JO/437/3B | $112,500.00 |
| | JO/599/4B | $17,500.00 |
| | JO/763/5B | $65,000.00 |
| | JO/893/6B | $32,500.00 |
| Kuwait | KW/546/8B Part Z | $0.00 |
| | KW/593/9B | $122,500.00 |
| | KW/701/10B | $230,000.00 |
| | KW/802/11B | $147,500.00 |
| Lebanon | LB/458/1B | $100,000.00 |
| Malaysia | MY/769/2B | $0.00 |
| Mauritius | MU/993/5B | $0.00 |
| Morocco | MA/483/3B | $5,000.00 |
| | MA/524/4B | $0.00 |
| Pakistan | PK/567/4B | $10,000.00 |
| | PK/776/5B | $10,000.00 |
| Philippines | PH/507/5B | $0.00 |
| | PH/540/2B | $145,000.00 |
| | PH/556/3B | $2,500.00 |
| | PH/677/6B | $2,500.00 |
| | PH/809/4B | $2,500.00 |
| | PH/987/7B | $0.00 |

| Total Amount Awarded by Consolidated Claim Submission | | |
|---|---|---|
| Second Instalment: Part Two | | |
| Poland | PL/481/2B | $0.00 |
| Sri Lanka | LK/442/3B | $2,500.00 |
| | LK/560/4B | $2,500.00 |
| | LK/785/5B | $0.00 |
| | LK/975/6B | $5,000.00 |
| Sudan | SD/293/1B | $265,000.00 |
| Syria | SY/288/1B | $137,500.00 |
| Tunisia | TN/472/2B | $20,000.00 |
| Ukraine | UA/490/1B | $5,000.00 |
| United Kingdom | GB/494/15B | $2,500.00 |
| | GB/535/16B | $15,000.00 |
| | GB/690/17B | $2,500.00 |
| | GB/1000/18B | $2,500.00 |
| United States | US/536/7B | $2,500.00 |
| | US/979/8B | $7,500.00 |
| Yemen | YE/559/1B | $290,000.00 |
| UNDP Jerusalem | PP/683/2B | $0.00 |
| UNDP Washington | 27/571/1B | $5,000.00 |
| UNHCR Geneva | 23/587/1B | $0.00 |
| UNRWA Vienna | PP/1014/3B | $2,500.00 |
| Total | | $2,912,500.00 |

(b) The amounts of the recommended awards in paragraph 7 of the report concerning 12 claims from the first instalment where further documentation had been requested by the Panel of Commissioners and for which the requested documentation has been submitted, as follows:

| First Instalment | | |
|---|---|---|
| Country | Consolidated Claim Submission | Total Amount Awarded (US$) |
| Kuwait | KW/00007/01B | $10,000.00 |
| Kuwait | KW/00014/02B | $5,000.00 |
| Kuwait | KW/00144/03B | $32,500.00 |
| Total | | $47,500.00 |

(c) The amount of the recommended award in paragraph 8 of the report concerning one claim from Part One of the second instalment where further documentation had been requested by the Panel of Commissioners and for which the requested documentation has been submitted, as follows:

| Second Instalment: Part One | | |
|---|---|---|
| Country | Consolidated Claim Submission | Total Amount Awarded (US$) |
| Kuwait | KW/00191/4B | $10,000.00 |
| Total | | $10,000.00 |

d) The amounts of the recommended rectifications listed in paragraph 9 of the report for claims in the first instalment from Jordan, Kuwait and Thailand, as follows:

| Consolidated Claim Submission | Correct Amount | Previous Amount Awarded | Difference |
|---|---|---|---|
| JO/00103/01B | $US 987,500.00 | $US 982,500.00 | $US 5,000.00 |
| KW/00144/03B | $US 1,202,500.00 | $US 1,222,500.00 | $US (20,000.00) |
| TH/00095/01B | $US 12,500.00 | $US 10,000.00 | $US 2,500.00 |

3. Reaffirms that when funds become available payments shall be made;

4. Recalls that when payments are made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], Governments and international organizations shall distribute amounts received in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution;

5. Decides that no compensation be awarded concerning the 325 claims referred to in paragraph 13 of the report;

6. Notes the transfer by the Executive Secretary of the 126 claims referred to in paragraph 14 of the report to the Panel of Commissioners appointed for category "C" claims;

7. Notes that no recommendations have been made at this stage for 515 claims referred to in paragraph 15 of the report;

8. Notes also that the Panel of Commissioners has requested Governments to provide further documentation in 139 claims listed in paragraph 16 of the report;

9. Requests that the Executive Secretary provides copies of the report and the pertinent annexes to the report to the Secretary-General and to respective Governments and international organizations, and reminds these Governments and international organizations of their obligation to take the appropriate measures to preserve the confidentiality of the annexes.

ANNEX IV

REPORT AND RECOMMENDATIONS MADE BY THE PANEL OF COMMISSIONERS CONCERNING PART TWO OF THE SECOND INSTALMENT OF CLAIMS FOR SERIOUS PERSONAL INJURY OR DEATH (CATEGORY "B" CLAIMS)*

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* Originally issued as document S/AC.26/1995/1.

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## INTRODUCTION

1. This is the third report that the Panel of Commissioners appointed for claims in category "B" submits to the Governing Council of the United Nations Compensation Commission in accordance with article 37(e) of the Provisional Rules for Claims Procedure (the "Rules").[1] The recommendations in this third report cover those claims contained in Part Two of the second instalment. The second instalment of category "B" claims is comprised of 4,190 claims and has been divided into two parts for organizational purposes. Part One, which consists of 2,286 claims, was the subject of the Panel's second report[2] that was approved by the Governing Council in Decision 26 on 14 December 1994.[3] Part Two is comprised of 1,904 claims.

2. Claims in Part Two were reviewed by the Panel at its sessions on 22-25 November 1994, 15-20 December 1994 and 17-19 January 1995. These sessions were held in Geneva at the headquarters of the secretariat and were conducted in private.[4] The secretariat staff members attended all of the sessions of the Panel and provided support as required. When necessary, the Panel was assisted by an experienced medical expert that the Executive Secretary appointed to assist the Panel and the secretariat in the review of category "B" claims.[5]

3. The principles established by the Panel in the first[6] and second reports, approved by the Governing Council in Decisions 20[7] and 26, respectively, were applied to the claims in Part Two of the second instalment. This third report raises the legal issues that were not addressed in the Panel's previous reports; it should be read in conjunction with the first and second reports. The annexes to this third report list the individual recommendations made by the Panel for each claim.

## I. LEGAL ISSUES

### A. Non-Iraqi member of Iraqi armed forces

4. The Panel had before it a claim filed by a non-Iraqi national for a serious personal injury suffered during the relevant time period while on duty as a member of the Iraqi

armed forces. The Panel recalls that the United Nations Compensation Commission was established to indemnify those who suffered losses resulting from Iraq's unlawful invasion and occupation of Kuwait. Accordingly, the Panel declines to recommend compensation for a member of the Iraqi armed forces, even in cases where the claimant does not have Iraqi nationality.

B. Death of a potential claimant and the right of his heirs to claim

5. Part Two included a claim filed by the heirs of a father for the death of his child. In this particular case the son was killed during an air raid in February 1991. The father of the deceased died in November 1991 without having made a claim to the UNCC for the death of his son. A claim was subsequently filed by the father's heirs for the death of the son. The Panel holds that a claim cannot be made by the heirs on behalf of the father, since the latter, while still alive, had not presented a claim for his son's death.

## II. OTHER ISSUES

A. Death claims when family members have submitted separate claim forms for the same deceased

6. The Panel notes that included in the claims recommended for compensation in Part Two are some claims where the maximum amount of $US 10,000.00 has already been awarded to family members who submitted claims in the first instalment or in Part One of the second instalment. Successful claimants whose claims are reported in Part Two are entitled to receive compensation on an equal basis from the maximum amount awarded to family members in the first instalment or Part One of the second instalment even though "zero" amounts have been stated with respect to their claims in the annexes attached to this report.[8]/

B. Claims where additional information was requested

7. In the first instalment the Panel had before it a number

of claims for death where no proof of family relationship had been submitted. The Panel requested that the relevant Governments provide additional documentation showing the family relationship between the claimant and the deceased. Three Governments forwarded the documentation as requested, and in its second report the Panel recommended that these claims be awarded compensation. Subsequent to the issuance of the Panel's second report, a fourth Government also submitted the requested evidence for 12 claims. The Panel accordingly recommends that compensation be awarded for these 12 claims from the first instalment that are listed in a separate annex. The amounts recommended for each consolidated claim submission of this Government are the following:

| | |
|---|---|
| KW/00007/01B | $US 10,000.00 |
| KW/00014/02B | $US 5,000.00 |
| KW/00144/03B | $US 32,500.00 |

8. Furthermore, in Part One of the second instalment, the Panel requested additional documentation in 93 claims, as documentation presented in such cases was insufficient for the Panel to make a recommendation on the claim. The Panel has so far received additional documentation for one claim. The Panel recommends compensation for this claim that is referred to in a separate annex. The amount recommended by consolidated claim submission is:

| | |
|---|---|
| KW/00191/4B | $US 10,000.00 |

## C. Application of article 41 of the Rules

9. The Panel was informed by the secretariat that some computational errors had occurred in the amounts awarded for claims covered in the first report. These errors were brought to the attention of the Executive Secretary by Governments in

accordance with article 41 of the Rules.[9] The Panel notes that these errors occurred mainly due to the fact that separate claim forms had been filed by family members for the same deceased, and that these separate claim forms were often included in different consolidated claim submissions, thereby making it difficult for the secretariat to locate all of the related claim forms so as to apply the $US 10,000.00 ceiling pursuant to Decision 1 of the Governing Council.[10] The Panel recommends that the amounts in three consolidated claim submissions be rectified. The correct amounts for each individual claim in these three consolidated claim submissions are specified in the attached annexes that are being provided separately to the respective Governments. The correct amounts for each of the three consolidated claim submissions at issue are as follows:

| Consolidated Claim Submission | Correct Amount | Previous Amount Awarded | Difference |
|---|---|---|---|
| JO/00103/01B | $US 987,500.00 | $US 982,500.00 | $US 5,000.00 |
| KW/00144/03B | $US 1,202,500.00 | $US 1,222,500.00 | $US (20,000.00) |
| TH/00095/01B | $US 12,500.00 | $US 10,000.00 | $US 2,500.00 |

The Panel recommends that the difference in amounts resulting from the computational errors in the first report be added to or subtracted from the total amounts awarded to each of the three Governments with respect to the claims covered in this third report.

## III. RECOMMENDATIONS TO THE GOVERNING COUNCIL

10. The recommendations for each claim are contained in the annexes to this report. These annexes contain the claimant's name, the UNCC claim number, the national claim number, the deceased's or the injured person's name, and the Panel's recommendation for each element of the claim. The annexes are organized by consolidated claim submissions pursuant to article 37(e) of the Rules. The annexes are being provided to each

respective Government or international organization separately due to their confidentiality.

A. Overview of the claims in Part Two of the second instalment

11. The following is a breakdown of the claims by country by type of loss. The total number of claims may be higher than the total number of claim forms submitted by Governments since one claim form may have been filed for more than one serious personal injury or for more than one death.

| Breakdown of the Number of Claims by Country | | | |
|---|---|---|---|
| Second Instalment: Part Two | | | |
| Country | Serious Personal Injury | Death | Total |
| Algeria | - | 1 | 1 |
| Australia | 2 | - | 2 |
| Bahrain | 2 | - | 2 |
| Canada | 1 | 1 | 2 |
| Egypt | 211 | 225 | 436 |
| France | 1 | - | 1 |
| Germany | 1 | - | 1 |
| India | 5 | 2 | 7 |
| Israel | 84 | 17 | 101 |
| Italy | 1 | - | 1 |
| Jordan | 67 | 56 | 123 |
| Kuwait | 592 | 165 | 757 |
| Lebanon | 12 | 22 | 34 |
| Malaysia | 1 | - | 1 |
| Mauritius | 2 | - | 2 |
| Morocco | 2 | 2 | 4 |
| Pakistan | - | 3 | 3 |
| Philippines | 50 | 18 | 68 |
| Poland | - | 2 | 2 |
| Sri Lanka | 2 | 2 | 4 |

| Country | Serious Personal Injury | Death | Total |
|---|---|---|---|
| Sudan | 40 | 61 | 101 |
| Syria | 169 | 18 | 187 |
| Tunisia | 2 | 3 | 5 |
| Ukraine | - | 1 | 1 |
| United Kingdom | 16 | 2 | 18 |
| United States | 5 | - | 5 |
| Yemen | 16 | 71 | 87 |
| UNDP Jerusalem | - | 1 | 1 |
| UNDP Washington | 5 | - | 5 |
| UNHCR Geneva | 1 | 1 | 2 |
| UNRWA Vienna | 1 | - | 1 |
| Total | 1291 | 674 | 1965 |

B. Claims for which compensation is recommended

12. The Panel recommends that compensation be awarded for 911 claims in Part Two of the second instalment. As noted above, the recommendations on the claims are presented for each country by consolidated claim submission. The amounts of compensation with respect to each consolidated claim submission are as follows:

| Total Amount Awarded by Consolidated Claim Submission | | |
|---|---|---|
| Second Instalment: Part Two | | |
| Country | Consolidated Claim Submission | Total Amount Awarded |
| Algeria | DZ/448/1B | $10,000.00 |
| Australia | AU/653/5B | $2,500.00 |
| Bahrain | BH/890/5B | $0.00 |
| | BH/965/6B | $0.00 |
| Canada | CA/942/3B | $0.00 |

| Country | Consolidated Claim Submission | Total Amount Awarded |
|---|---|---|
| Egypt | EG/542/5B | $707,500.00 |
| | EG/827/11B | $2,500.00 |
| | EG/874/12B | $12,500.00 |
| | EG/906/15B | $2,500.00 |
| | EG/918/13B | $10,000.00 |
| | EG/932/14B | $0.00 |
| | EG/960/16B | $10,000.00 |
| | EG/1007/17B | $60,000.00 |
| France | FR/446/7B | $2,500.00 |
| Germany | DE/552/5B | $2,500.00 |
| India | IN/547/11B | $5,000.00 |
| | IN/966/14B | $0.00 |
| | IN/1006/15B | $2,500.00 |
| Israel | IL/287/1B | $290,000.00 |
| | IL/1015/2B | $17,500.00 |
| Italy | IT/528/4B | $2,500.00 |
| Jordan | JO/437/3B | $112,500.00 |
| | JO/599/4B | $17,500.00 |
| | JO/763/5B | $65,000.00 |
| | JO/893/6B | $32,500.00 |
| Kuwait | KW/546/8B Part Z | $0.00 |
| | KW/593/9B | $122,500.00 |
| | KW/701/10B | $230,000.00 |
| | KW/802/11B | $147,500.00 |
| Lebanon | LB/458/1B | $100,000.00 |
| Malaysia | MY/769/2B | $0.00 |
| Mauritius | MU/993/5B | $0.00 |
| Morocco | MA/483/3B | $5,000.00 |
| | MA/524/4B | $0.00 |
| Pakistan | PK/567/4B | $10,000.00 |
| | PK/776/5B | $10,000.00 |

| Country | Consolidated Claim Submission | Total Amount Awarded |
|---|---|---|
| Philippines | PH/507/5B | $0.00 |
| | PH/540/2B | $145,000.00 |
| | PH/556/3B | $2,500.00 |
| | PH/677/6B | $2,500.00 |
| | PH/809/4B | $2,500.00 |
| | PH/987/7B | $0.00 |
| Poland | PL/481/2B | $0.00 |
| Sri Lanka | LK/442/3B | $2,500.00 |
| | LK/560/4B | $2,500.00 |
| | LK/785/5B | $0.00 |
| | LK/975/6B | $5,000.00 |
| Sudan | SD/293/1B | $265,000.00 |
| Syria | SY/288/1B | $137,500.00 |
| Tunisia | TN/472/2B | $20,000.00 |
| Ukraine | UA/490/1B | $5,000.00 |
| United Kingdom | GB/494/15B | $2,500.00 |
| | GB/535/16B | $15,000.00 |
| | GB/690/17B | $2,500.00 |
| | GB/1000/18B | $2,500.00 |
| United States | US/536/7B | $2,500.00 |
| | US/979/8B | $7,500.00 |
| Yemen | YE/559/1B | $290,000.00 |
| UNDP Jerusalem | PP/683/2B | $0.00 |
| UNDP Washington | 27/571/1B | $5,000.00 |
| UNHCR Geneva | 23/587/1B | $0.00 |
| UNRWA Vienna | PP/1014/3B | $2,500.00 |
| Total | | $2,912,500.00 |

C. Claims for which no compensation is recommended

13. The Panel recommends that no compensation be awarded in 325 claims in Part Two of the second instalment.

D. Claims transferred to the category "C" Panel of Commissioners ("transferred" claims)

14. The Panel requests that the Executive Secretary transfer 126 claims in Part Two of the second instalment to the Panel of Commissioners dealing with the category "C" claims for mental pain and anguish, in accordance with article 32, paragraph 3 of the Rules.

E. Eligible claims for which no compensation is recommended at this stage ("suspended" claims)

15. The Panel "suspends" the recommendations on 515 claims included in Part Two of the second instalment for serious personal injuries on behalf of persons that are asserted to be still in detention in Iraq, and for death claims filed for "missing persons". No award of compensation is recommended at this stage for these claims.

F. Claims that require further documentation ("other" claims)

16. The Panel requests that additional information be provided in 189 cases in Part Two of the second instalment, as documentation presented in such cases is insufficient for the Panel to make an informed recommendation on the merits of the claim. The annexes indicate the specific documentation required under the letter codes M, L, F and O. These codes demonstrate areas where further documentation is required. An explanation as to the type of additional information requested pursuant to each of these codes is being separately provided to each respective Government or international organization.

G. Summary of recommendations

17. The following table summarizes by country all the recommendations made by the Panel in this third report:

| Summary of Recommendations by Country | | | | | | |
|---|---|---|---|---|---|---|
| Country | Claims Recommended for Payment | Claims Not Recommended for Payment* | Transferred Claims | Suspended Claims | Other Claims | Total Amount Awarded |
| Algeria | 1 | - | - | - | - | $10,000.00 |
| Australia | 1 | 1 | - | - | - | $2,500.00 |
| Bahrain | - | - | 2 | - | - | $0.00 |
| Canada | - | - | - | - | 2 | $0.00 |
| Egypt | 206 | 130 [5] | - | - | 96 | $805,000.00 |
| France | 1 | - | - | - | - | $2,500.00 |
| Germany | 1 | - | - | - | - | $2,500.00 |
| India | 3 | 2 [1] | - | - | 1 | $7,500.00 |
| Israel | 94 | 4 | - | - | 3 | $307,500.00 |
| Italy | 1 | - | - | - | - | $2,500.00 |
| Jordan | 59 | 29 [5] | 1 | 11 | 18 | $227,500.00 |
| Jordan**** | - | - | - | - | - | $5,000.00 |
| Kuwait | 201 | 48 | 4 | 503 | 1 | $500,000.00 |
| Kuwait** | 11 | - | - | - | - | $47,500.00 |
| Kuwait*** | 1 | - | - | - | - | $10,000.00 |
| Kuwait**** | - | - | - | - | - | ($20,000.00) |
| Lebanon | 19 | 12 | 2 | - | 1 | $100,000.00 |
| Malaysia | - | - | 1 | - | - | $0.00 |
| Mauritius | - | 0[1] | 1 | - | - | $0.00 |
| Morocco | 2 | 1 | - | - | 1 | $5,000.00 |
| Pakistan | 2 | - | - | - | 1 | $20,000.00 |
| Philippines | 44 | 17 [2] | - | 1 | 4 | $152,500.00 |
| Poland | - | 2 | - | - | - | $0.00 |
| Sri Lanka | 3 | - | - | - | 1 | $10,000.00 |
| Sudan | 66 | 16 [1] | - | - | 18 | $265,000.00 |
| Syria | 42 | 3 [5] | 104 | - | 33 | $137,500.00 |
| Thailand**** | - | - | - | - | - | $2,500.00 |
| Tunisia | 4 | - | - | - | 1 | $20,000.00 |
| Ukraine | 1 | - | - | - | - | $5,000.00 |
| United Kingdom | 8 | 1 | 8 | - | 1 | $22,500.00 |
| United States | 4 | 1 | - | - | - | $10,000.00 |
| Yemen | 45 | 35 | - | - | 7 | $290,000.00 |
| UNDP Jerusalem | - | 1 | - | - | - | $0.00 |

| Country | Claims Recommended for Payment | Claims Not Recommended for Payment* | Transferred Claims | Suspended Claims | Other Claims | Total Amount Awarded |
|---|---|---|---|---|---|---|
| UNDP Washington | 2 | - | 3 | - | - | $5,000.00 |
| UNHCR Geneva | - | 2 | - | - | - | $0.00 |
| UNRWA Vienna | 1 | - | - | - | - | $2,500.00 |
| Total | 823 | 305 [20] | 126 | 515 | 189 | $2,957,500.00 |

* Numbers in brackets indicate duplicate claims. Where it was discovered that some category "B" claims had been submitted twice by the same claimant, the Panel made its recommendation on the merits with respect to only one of the claims, and the duplicate claim was not recommended for compensation.

** Claims from the first instalment where additional documentation had been requested by the Panel (see supra paragraph 7).

*** Claims from Part One of the second instalment where additional documentation had been requested by the Panel (see supra paragraph 8).

**** Corrections to claims in the first instalment (see supra paragraph 9).

18. These findings are without prejudice to the conclusions and findings of panels for other categories of claims. The Panel adopted this report, including the recommendations to the Governing Council, by unanimity.

Geneva, 19 January 1995

(Signed) Mr. Mohamed Bennouna
Chair

(Signed) Mrs. Denise Bindschedler-Robert
Commissioner

(Signed) Ms. Fang Ping
Commissioner

## Notes

[1]/ S/AC.26/1992/10, article 37(e): "Each Panel will report in writing through the Executive Secretary to the Governing Council on the claims received and the amount recommended to be allocated to each Government or other entity for each consolidated claim. Each report will briefly explain the reasons for the recommendations and, to the extent practicable within the time-limit, contain a breakdown of the recommendations in respect of individual claims within each consolidated claim."

[2]/ "Report and Recommendations Made by the Panel of Commissioners Concerning Part One of the Second Instalment of Claims for Serious Personal Injury or Death (Category 'B' Claims)," S/AC.26/1994/4, (the "second report").

[3]/ "Decision Concerning Part One of the Second Instalment of Claims for Serious Personal Injury or Death (Category 'B' Claims) Taken by the Governing Council of the United Nations Compensation Commission at its 48th Meeting, held on 14 December 1994 in Geneva," S/AC.26/Dec.26 (1994), ("Decision 26").

[4]/ Rules, article 33, paragraph 2; article 30, paragraph 2.

[5]/ Dr. Marcel Dubouloz, former Deputy Medical Director of the Medical Division of the International Committee of the Red Cross, Secretary General of the International Society of Disaster Medicine.

[6]/ "Recommendations Made by the Panel of Commissioners Concerning Individual Claims for Serious Personal Injury or Death (Category 'B' Claims)," S/AC.26/1994/1, (the "first report").

[7]/ "Decision Concerning the First Instalment of Claims for Serious Personal Injury or Death (Category 'B' Claims) Taken by the Governing Council of the United Nations Compensation Commission at its 43rd Meeting, held on 26 May 1994 in Geneva," S/AC.26/Dec.20 (1994), ("Decision 20").

[8]/ See also paragraphs 42-47 of the second report.

[9]/ Rules, article 41(1): "Computational, clerical, typographical or other errors brought to the attention of the Executive Secretary within 60 days from the publication of the decisions and reports, will be reported by the Executive Secretary to the Governing Council."

10/ "Criteria for Expedited Processing of Urgent Claims," S/AC.26/1991/1, ("Decision 1").

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